

No. 21-55951

**IN THE UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

LISA KIM,

Plaintiff-Appellant,

v.

TINDER, INC., ET AL.

Defendants-Respondents.

On Appeal from the United States District Court
for the Central District of California
Case No. 2:18-cv-03093-JFW-AS
The Honorable John F. Walter

**AMENDED STIPULATION TO DISMISS APPEAL WITHOUT
PREJUDICE TO REINSTATEMENT AND FOR IMMEDIATE
ISSUANCE OF MANDATE**

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Pursuant to Rule 42(b) of the Federal Rules of Appellate Procedure, Plaintiff/Appellant Lisa Kim (“Appellant”) and Defendants/Appellees Tinder, Inc.,¹ Match Group, LLC, and Match Group, Inc. (“Appellees”—collectively, the “Parties”—stipulate that this Court dismiss this appeal without prejudice to reinstatement pursuant to the terms below. This stipulation is based on the following grounds:

RECITALS

WHEREAS,

1. On August 30, 2021, Appellant filed a Notice of Appeal (the “Appeal” [Dist. Ct. Dkt. No. 110]) regarding an Order of the District Court granting Appellees’ Motion to Compel Arbitration (the “Order” [Dist. Ct. Dkt. No. 44]);
2. The Parties then entered into settlement discussions, and, pursuant to discussions with the Ninth Circuit Mediator, the docket on the Appeal was temporarily closed for administrative purposes only until March 28, 2022 [Dkt. Nos. 8 and 9];

¹ Pursuant to a merger in 2017, Tinder, Inc.’s assets and liabilities were acquired by Match Group, LLC.

3. On September 24, 2021, the Parties entered into an Amended Class Action Settlement Agreement pertaining to the action;

4. On November 3, 2021, the District Court granted the Appellant's Motion for Preliminary Approval of the Amended Class Action Settlement;

5. On February 25, 2022, the District Court conducted a hearing on final approval of the Amended Class Action Settlement; and

6. Appellant now wishes to dismiss the Appeal without prejudice to reinstatement.

STIPULATION

THE PARTIES HEREBY STIPULATE that:

1. Appellant may file a motion with the United States Court of Appeals for the Ninth Circuit to reinstate the Appeal within 28 days of (1) an order by the District Court denying final approval of the Amended Class Action Settlement, or (2) an order by this Court reversing any grant of final approval;

2. Under such circumstances, Appellees waive the right to oppose Appellant's motion for reinstatement on grounds other than timeliness.

3. In the absence of Appellant filing a timely motion to reinstate, the Parties agree that each will bear its own attorneys' fees and cost incurred in the Appeal.

Dated: March 3, 2022

LAW OFFICES OF TODD M.
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By: /s/ Todd M. Friedman
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*Attorneys for Plaintiff and Appellant,
and all others similarly situated.*

Dated: March 3, 2022

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By: /s/ Donald R. Brown
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*Attorneys for Defendants and Appellees
Tinder, Inc., Match Group, LLC, and
Match Group, Inc.*

CERTIFICATE OF SERVICE

I, Donald R. Brown, certify that on March 3, 2022, the Parties joint AMENDED STIPULATION TO DISMISS APPEAL WITHOUT PREJUDICE TO REINSTATEMENT AND FOR IMMEDIATE ISSUANCE OF MANDATE was e-filed through the CM/ECF System; registration as a CM/ECF user constitutes consent to electronic service through the Court's transmission facilities. The Court's CM/ECF system sends an email notification of the filing to the parties and counsel of record listed above who are registered with the Court's EMC/ECF system.